

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

NOEL KENT, et al. : CIVIL ACTION  
: :  
v. : :  
: :  
HOWELL ELECTRIC MOTORS, et al. : NO. 96-7221

**MEMORANDUM AND ORDER**

**J. M. KELLY, J.**

**MAY 24, 1999**

Presently before the Court is Plaintiffs' motion for reconsideration of the Court's recent Order to bifurcate the trial. As the Court referenced in its April 27, 1999, Order, Plaintiffs failed to file a separate response to Defendant American Floor Machine Company's motion for bifurcation. Plaintiffs now move for reconsideration largely on the basis that in their response to Defendant's motion for summary judgment, in the last paragraph of their Memorandum of Law, they raised an objection to the motion for bifurcation. Whether this effort, buried in a response to an entirely different motion, was sufficient to serve as an objection is not critical here; in view of the possibility of substantial prejudice to Defendants, the Court would have granted Defendant's motion on its merits. See Fed. R. Civ. P. 42(b). Plaintiffs' motion is denied.

An Order follows.

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	:	
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	:	
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**ORDER**

AND NOW, this 24th day of May, 1999, upon consideration of Plaintiffs' Motion for Reconsideration of the Court's Order for Bifurcation (Document No. 96), and Defendant American Floor Machine Company's response thereto, it is hereby **ORDERED** Plaintiff's motion is **DENIED**.

BY THE COURT:

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JAMES McGIRR KELLY, J.